

REMARKS

Claims 1-3, 6, 7, 21-24 have been amended, claims 25-31 have been canceled, and new claims 32-35 have been added. Thus, claims 1-7, 21-24, and 32-35 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Finality of Office Action:

The Examiner has rejected claims 21-22, 24, and 26-29 based on Szeto (US PGPub 2004/0215731). Applicants respectfully submit that Szeto is a continuation-in-part with a filing date of July 2, 2003. However, Applicants have claimed priority to the German application 10257454.5 having a filing date of December 9, 2002. Priority was claimed by the Preliminary Amendment which was filed along with the certified priority document, both of which were submitted on December 01, 2003. Thus, Szeto is not prior art. Furthermore, the Szeto's parent application (US 7,133,900) does not appear teachings the Examiner has relied upon for the instant rejection.

Therefore, Applicants respectfully submit that the decision to make the Office Action Final is premature and request that in view of the above that the Examiner withdraw the finality of the Office Action.

Response to Objections to the Drawings:

The Examiner has objected to the drawings stating the drawings must show every feature of the invention specified in the claims. Applicants have amended the sole figure to be FIG 1 and added FIG 2, FIG 3 and FIG 4. No new matter has been added by way of the new figures. Support for FIG 2, for example, may be found at page 9 lines 21 – 35. Support for FIG 3, for example, may be found at page 8 lines 7-9. Support for FIG 4, for example, may be found at page 10 line 36- page 11 line 16. The specification has also been amended to reflect the addition of the figures.

Response to Rejections Under Section 112:

Claims 21-32 stand rejected under 35 U.S.C § 112, the Examiner contending that these claims fail to comply with the written description and that Applicant has failed to indicate where the support for these claims is found in instant specification. Applicants respectfully submit that the claims are fully supported by the specification as provided below. Therefore, Applicants respectfully request that the Examiner withdraw the Section 112 rejections.

Claim 21

Claim 21 recites the limitation *the control instruction is transmitted to the monitoring application as an instant message*. Support for this limitation may be found, for example, at page 6 lines 7-10.

Claim 22

Claim 22 recites the limitation *the monitoring application receives the instant message and converts the instant message to a control command for the software application*. Support for this limitation may be found, for example, page 11 lines 3 – 17.

Claim 23

Claim 23 recites the limitation

entering, by a user of the second communication partner, the information identifying the software application prior to the transmitting. Support for this limitation may be found, for example, page 9 lines 21-26.

Claim 24

Claim 24 recites the limitation *the information is entered via a text editor of the presence application*. Support for this limitation may be found, for example, page 8 lines 7-9.

Response to Rejections Under Section 102:

Claims 21-32 stand rejected under 35 U.S.C § 102 (a/e), the Examiner contending that these claims are anticipated by McDowell et al (US PGPub 2002/0035605).

Claim 1

Applicants have amended claim 1. Support for these amendments may be found for example in FIG 1 and page 9 line 16-page 10 line 5.

Applicants' claim 1 recites:

registering the software application by a monitoring application as a first communication partner in a list of communication partners accessible in the network, the software application residing on a first computing machine

The Examiner indicates that this limitation is found at [0049], ln 6- [0050] ln 5; [0051]; [0052], ln. 7-16 of McDowell, which recites:

The Presence Server 112 makes network presence information available between wireless networks and the Internet.

The simplest use of the Presence Server 112 is the instant messaging buddy list. Because the Presence Server 112 is able to determine if a wireless device is ON or OFF, traditional IM buddy lists can be extended to indicate whether "mobile buddies" are ON or OFF. ...

Presence management extends well beyond ON or OFF information: subscribers may wish to indicate "ON-busy" or "ON-meeting" or "ON-emergency only" or any number of other personal settings. Subscribers may even desire for their presence information to be presented differently to different outside parties, for example "ON-busy" for co-workers but "ON-available" for spouse or supervisor. Moreover, Presence management preferences may change at different times of the day, and on different days of the week.

MPEP 706 recites

The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Applicants respectfully submit that the pertinence of this reference is not apparent and consequently Applicants can only guess at the Examiner's view. Applicants are unsure to what the Examiner equates as Applicants' registration, software application and monitoring application. Applicants believe that the Examiner equates the Presence Server to Applicants' presence application (in a different limitation) and therefore base the response based on this interpretation.

Applicants respectfully submit that:

- A wireless network is an interconnected system that connects devices via wireless interfaces and cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- The Internet is an interconnected system of networks that connects computers and cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- A buddy list is at least a part of the presence server and therefore cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- A wireless device is hardware device that communicates via a wireless interface and cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- A mobile buddy is a reference to a person, such as a friend or co-worker, that has a mobile device and can be part of the buddy list in order to communicate with the mobile buddy. A mobile buddy cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- A presence management generally pertains to a management of presence information and cannot reasonably be considered as Applicants' registration, software application or monitoring application.
- A subscribers is a person or subscribing to instant messaging and cannot reasonably be considered as Applicants' registration, software application or monitoring application

- A personal setting pertains to adjusting the display of presence information and cannot reasonably be considered as Applicants' registration, software application or monitoring application.

Applicants respectfully request the Examiner to explain the pertinence of the reference in so that the Applicants don't have to guess to what the Examiner equates as the registration, software application and monitoring application.

Applicants' claim 1 further recites:

transmitting information identifying the software application to be monitored to the first computing machine, the information including the name of the software application;

The Examiner indicates the transmitting the application name is taught by Szeto (2004/0215731) or obvious variants thereof (see Examiners response to claim 23). As Applicants' have indicated Szeto, is not prior art.

In view of the above, claim 1 is not anticipated by McDowell. Furthermore, Claims 2-7, and 21-24 which depend on claim 1 are also patentable at least based on their dependence from claim 1 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 5 stands rejected under 35 U.S.C 103(a) as being obvious over McDowell in view of IETF; 2.1.12 SIP for Instant Messaging and Presence Leveraging. Claims 21, 22, 24, and 26-29 stand rejected under 35 U.S.C § 103(a) as being obvious over McDowell in view of Szeto. For at least the reasons discussed in connection with the Section 102 rejections, Applicants respectfully submit that these claims are patentable and respectfully request the Examiner to withdraw the Section 103 rejection.

New Claims:

New claims further define the scope of the invention as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 32-35 are patentable and requests allowance of claims 32-35.

Claim 32

Claim 32 recites the limitation *the second computing machine receives the software application identifying information* Support for this limitation may be found, for example, at page 9 lines 16-page 10 line 5.

Claim 32 further recites the limitation *the software application is located in response to receiving the information*. Support for this limitation may be found, for example, at page 7 lines 10-15.

Claim 33

Claim 33 further the limitation *the registration of the software application is in response to locating the software application*. Support for this limitation may be found, for example, at page 7 lines 10-15.

Claim 34

Claim 34 recites the limitation *the software application identifying information includes an IP address of the first computing machine*. Support for this limitation may be found, for example, at page 9 lines 25-28.

Claim 35

Claim 35 recites the limitation *the software application identifying information includes host name address of the first computing machine*. Support for this limitation may be found, for example, at page 9 lines 32-35.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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